



**NORTHAMPTON LICENSE
COMMISSION
MARCH 3, 2010
Minutes**

*Commission Chairman Brad Shimel, Commissioner William Rosen,
Commissioner Stephanie Levin*

Commissioners Shimel and Rosen were present for a quorum; Commissioner Levin was absent. Chairman Shimel opened the meeting at 4:03 p.m. on the following:

1. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

Jackson & Connor, 150 Main Street, Northampton

Description of Event: United Way benefit kick-off party for Jackson & Connor/United Way partnership

Date and Time of Event: Thursday, March 4, 2010 – 5:00 pm – 8:00 pm

Location of Event: 2nd Floor of Thornes Marketplace

Server information has been provided

Insurance Information has been provided

Tara Tetreault was present for the application. This event is a kick-off event of month-long events with United Way.

Commissioners Rosen moved approval of the application; Commissioner Shimel seconded. The vote passed unanimously (2-0).

Commissioner Levin arrived at 4:05 p.m.

2. APPLICATION FOR SHORT TERM WINE & MALT LICENSE

Greater Northampton Chamber of Commerce, 99 Pleasant Street, Northampton

Description of Event: Networking event

Date and Time of Event: Wednesday, April 7, 2010 – 5:00 pm – 7:00 pm

Location of Event: 40 Main Street, Suite 204, Florence, MA

Server information is pending

Insurance effective through September 29, 2010

Kristin Cole was present for the application. This is another of the Arrive at Five events.

Commissioner Levin moved approval of the application; Commissioner Rosen seconded. The vote passed unanimously (3-0).

3. APPLICATION FOR CHANGE OF MANAGER

JTK Enterprises, Inc.
54 Easthampton Road, Northampton, MA
Proposed Manager: Rabih Abdo Imad

Attorney Henry Cropsey and Rabih Abdo Imad, proposed new manager, were present for the application. Mr. Imad is on the premises approximately 60 hours per week. He has completed ServeSafe training and the certificate is coming shortly. He is a longtime employee. The previous manager has relocated.

Commissioner Levin moved approval of the application; Commissioner Rosen seconded. The vote passed unanimously (3-0).

4. OUTSTANDING LICENSES FOR 2010

- Seval Ozcelik d/b/a Florentina's – Common Victualler

The Clerk reported that this was paid today.

- Hap, Inc. d/b/a The Lorraine – Lodging House

Mr. Korbet was present and stated that the manager was ill. The license will be paid by this Friday, March 5, 2010.

- Matthew Golob d/b/a EZ Rider Motorsports – Car Dealer Class I

The Clerk has been unable to contact Mr. Golob, leaving another message this afternoon. The Commission advised the Clerk to send a letter stating that the licensee has 14 days (to March 17, 2010) to pay the license or the license is revoked, and the licensee will have to reapply for the license.

Clerk's note: Lodging House license for The Lorraine was paid on March 4, 2010. Class I Car Dealer license for EZ Rider Motorsports was paid on March 5, 2010.

5. INSPECTIONS NOT COMPLETED FOR 2010 (Updated March 2, 2010):

Fire Safety Inspector Larry Therrien will address:

- Paradise City Tavern – ~~sprinkler system annual test, fire alarm annual test, clean hood of grease~~, emergency light not working – As of March 3, 2010
- Pizzeria Paradiso – ~~fire alarm annual test, emergency light not working, propane tank in doorway, secure compressed gas tanks, fire extinguisher missing, powerstrip to be removed basement~~ In Compliance as of March 3, 2010
- Spoleto – ~~fire extinguishers past inspection date, emergency light not working~~, clean hood of grease, ~~class K extinguisher needed in kitchen~~, secure compressed gas tanks – As of March 3, 2010
- Mamma Iguana's – ~~fire alarm annual test, clean hood of grease~~, fire extinguishers past inspection date, ~~extension cords used as permanent~~

- wiring, secure compressed gas tanks basement, remove combustibles in basement storage As of March 3, 2010
- Spoleto Express – ~~fire alarm annual test, fire extinguishers past inspection date, emergency light not working~~ In Compliance as of March 3, 2010.
 - Paul & Elizabeth's – ~~sprinkler system annual test~~ COMPLETED 3/1/2010; fire alarm annual test – Scheduled for Thursday, March 4, 2010
 - Zen – ~~fire alarm annual test, secure compressed gas tanks~~ COMPLETED 3/1/2010
 - Sam's Pizzeria – ~~fire alarm annual test~~ COMPLETED 2/26/2010

Fire Safety Inspector Larry Therrien stated that these inspections should have been completed in December. Inspections began in September, so most licensees had ample time to complete and comply. Inspector Therrien stated that he would like to see only a 30-day extension on inspections. The licensees who still need to complete inspections were agreeable to completion within seven days.

Clerk's note: Paradise City Tavern, Pizzeria Paradiso, Spoleto, Mamma Iguana's and Spoleto Express were completed by March 4, 2010. Paul and Elizabeth's was completed on March 15, 2010 (delay due to annual fire alarm test for Thornes Market).

6. VIOLATION HEARING

Violations of 204CMR 2.05 (2) Allowing an Illegality on the Licensed Premises: to wit: a) Gaming, C271 §2 and b) Serving Alcoholic Beverages after Hours, C138 §12 and violation of C138 §1 (Restaurant), Obstructing the Clear View of the Interior of a Restaurant

Teapot Restaurant, Inc., 116 Main Street, Northampton

At the hearing, Attorney Meade G. Burrows, Manager Teddy Chow, and Owner Chi Cha Wou were present for the licensee. Northampton Police Officer Stephen R. Superba was also present. Attorney Burrows affirmed that his client does not challenge the violations. Attorney Burrows explained that the party was a small, private party and all alcohol was brought in and not part of the stock. Most employees left the premises at midnight. The party was a Chinese New Year celebration and the private card game players (employees, no patrons) were each given \$20 lucky money by the owner, as is tradition. Attorney Burrows stated that, in accordance with Chapter 138, §1, the licensee took all obstructions to clear view of the interior of the restaurant down as soon as the police requested this. Attorney Burrows asked the License Commission to consider that the licensee has had no prior violations.

The Commission reiterated that gaming is a violation and it does not matter if the alcohol was from the stock or not, all employees should be off the premises and private parties are not allowed after hours on the premises. The Commission allowed that the licensee did take down the obstructions upon police request.

After deliberation, the Commission found that violations of 204CMR 2.05 (2) Allowing an Illegality on the Licensed Premises: to wit: a) Gaming, Chapter 271 §2 and b) Serving Alcoholic Beverages after Hours **had occurred**.

Commissioner Rosen moved to impose a sanction of two (2) days suspension, suspended for one year to March 3, 2010, and provided there are no further violations will result in no further action; Commissioner Shimel seconded. The vote passed unanimously (3-0).

7. Approval of Minutes of February 3, 2010

Commissioner Rosen moved approval of the minutes of February 3, 2010; Commissioner Shimel seconded. The vote passed unanimously (3-0).

8. NEW BUSINESS

The Clerk informed the Commission that Mr. Feldmann has formally withdrawn his business venture of Gulu-Gulu Café as of February 25, 2010. On March 3, 2010, Mr. Feldmann confirmed that he understands and is in agreement that the Northampton License Commission will revoke approved License No. 090000124 Annual Wine and Malt Restaurant (Attached).

Commissioner Shimel moved to Revoke License No. 090000124 Annual Wine and Malt Restaurant license issued to Houba Corporation d/b/a Gulu-Gulu Café; Commissioner Rosen seconded. The vote passed unanimously (3-0).

The Clerk explained that City Solicitor Elaine Reall has given an opinion regarding the Weekday Entertainment licenses (Attached). It is advised that the License Commission sponsor a change in the Ordinance 174-3 to clarify that Weekday Entertainment license of Monday – Saturday is \$80 annually, and that Weekday Entertainment license of Sunday – Saturday is \$100 annually. It is also advised that the Clerk notify all holders of such licenses of this clarification.

The Commissioners agreed, and instructed the Clerk to notify all holders of Weekday Entertainment licenses of this clarification.

Officer Superba asked for clarification from the License Commission that the Police Department is an enforcing agent of the License Commission. Commissioner Shimel stated this is correct according to M.G.L. Chapter 138.

Clerk's note: *City of Northampton Ordinance §93-15 Police Department to act as agent to License Commission [Added 4-20-1978] The Police Department shall act as the agent of the Northampton License Commission under the provisions of MGL c. 138, § 63, as amended.*

At 4:48 p.m., Commissioner Levin moved to adjourn and was seconded by Commissioner Rosen. The vote to adjourn passed unanimously (3-0).

The next meeting is April 7, 2010 at 4:00 p.m.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

Mary Midura

From: Steve Feldmann [steven.feldmann@gmail.com]
Sent: Wednesday, March 03, 2010 2:02 PM
To: Mary Midura
Subject: Re: Gulu-Gulu Cafe

Yes

Sent from my iPhone

On Mar 3, 2010, at 1:30 PM, Mary Midura <mmidura@northamptonma.gov> wrote:

Steven - Are you in complete understanding and agreement that the Northampton License Commission will now revoke License No. 090000124 Annual Wine & Malt Restaurant license as approved by the Northampton License Commission on January 6, 2010 and approved by the Alcoholic Beverages Control Commission on February 5, 2010?

As you have not yet paid for this license, there is no refund due to you.

Mary L. Midura
Executive Secretary
City Council and License Commission
413-587-1210

-----Original Message-----

From: Steven Feldmann [mailto:sfeldmann@gulu-gulu.com]
Sent: Thursday, February 25, 2010 6:10 PM
To: Mary Midura
Subject: RE: Gulu-Gulu Cafe

Hi Mary,

I regret to inform you that we are not going to be opening the newest Gulu-Gulu Cafe in Northampton after all. We had experienced some very difficult financial issues with trying to get the new place open and decided that the best course of action would be to cut our losses and pull the plug. It's sad but it will be the best.

I personally wanted to thank you for all the help that you had provided me over the last several months. You were absolutely great. Thanks.

Would you like me to return the license paperwork to you?

Take care,

Steve

Steven Feldmann

Gulu-Gulu Cafe

www.gulu-gulu.com

Mary Midura

From: Andrew McAmis [abmcamis@verizon.net]
Sent: Tuesday, March 02, 2010 3:43 PM
To: Mary Midura
Subject: Sunday Entertainment Licenses



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Hi Ms. Midura,

Elaine Reall asked me to draft the attached memorandum in response to your questions. Please contact me if you have any questions. Thanks,

Bruce

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MEMORANDUM

TO: Mary Midura
Executive Secretary to the Northampton City Licensing Commission

FROM: Andrew Bruce McAmis, Esq.

DATE: March 2, 2010

RE: Sunday Entertainment Licensing

Elaine Reall asked me to respond to your email, dated February 2nd, regarding Sunday entertainment licensing.

Our review of Massachusetts law and City ordinances lead us to conclude that the proper fee for an annual, 7 day per week, entertainment license is \$100. This conclusion is based upon our reading of M.G.L. Chap. 140, § 183A and City Ordinance §§ 124-1 and 174-3.

We recommend that you contact all entertainment license holders and inform that they can either:

1. remain bound by the terms of their Weekday Entertainment License (which includes Saturdays) and cannot therefore offer live entertainment on Sundays, or
2. become 7 day, Sunday included, license holders for a fee of \$100 as required by Ordinance § 174-3.

Any license holder electing to become a Weekday and Sunday licensee who has paid the \$80 annual Weekday License fee should pay the \$20 difference between the two license fees.

We also want to call the Commission's attention to two other related issues. First, the Northampton City Ordinances do not seem to provide a basis for Weekday Entertainment Licences and the \$80 fee charged for such a license. Section 124-1 provides for Sunday entertainment licensing and Section 174-3 details the fee schedule for such licensing. The Ordinances and fee schedule do not expressly provide for a Weekday Entertainment License. We suggest that the Commission initiate discussions with the City Council on a proposal to amend the Ordinances to expressly provide for the Weekday License.

Second, M.G.L. Ch. 140, § 183A requires any licensee offering Sunday entertainment to obtain the written approval of the police chief. In the future, all applicants for Sunday licenses should be required to submit the written approval of the police chief along with their license applications.